

**MINUTES OF THE MEETING OF THE COMMON COUNCIL OF THE CITY OF
CUDAHY, HELD AT THE CUDAHY MUNICIPAL BUILDING, 5050 S. LAKE DR.
MILWAUKEE COUNTY, WISCONSIN
*Tuesday, November 17, 2009***

ROLL CALL

Mayor Ryan McCue called the meeting to order at 7:00 PM. The following answered, "present" to the roll call: Council Members Mikolajczak, Schissel, Otto, Litkowiec and Pavlic. Also in attendance: Clerk/Treasurer Goss, Dir. Office Ser. Toms-Neary, DPW Director Lange, Dir. Economic Development Fritts and City Attorney Eberhardy.

Prior to the start of the meeting, Item number 6 under "New Business" was removed from the agenda.

MEETING STATEMENT

The proper open meeting statement was read at this time.

ADOPTION OF MINUTES:

MOTION MADE BY ALD. MIKOLAJCZAK, SECOND BY ALD. OTTO to approve the following minutes as listed: Motion carried unanimously.

1. Regular meeting of the Common Council held November 3, 2009.
2. Minutes of the Personnel Committee held November 3, 2009.
3. Minutes of the Finance Committee meeting held October 14, 2009 and October 27, 2009.
4. Minutes of the Rules, Laws & License Committee held October 29, 2009 and November 11, 2009.
5. Minutes of the Board of Public Works held September 28, 2009.
6. Minutes of the Community Development Authority held October 13, 2009.
7. Minutes of the Cudahy Family Library held October 1, 2009.
8. Minutes of the Board of Health held June 23, 2009.

CORRESPONDENCE

1. Notification from Fire Fighter Robert Shimeta regarding his planned resignation due to non-duty disability. **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. SCHISSEL** to receive and place on file. Motion carried unanimously.

OLD BUSINESS

1. Discussion and appropriate action regarding 2009 Vitality Award. Mayor McCue asked for suggestions from the Council for a 2009 recipient.

NEW BUSINESS

1. Discussion and appropriate action regarding Hold Harmless Agreement between the City of Cudahy and Shaun Magner. **MOTION BY ALD. OTTO, SECOND BY ALD. MIKOLAJCZAK** to approve. Motion carried unanimously.
2. Discussion regarding City of Cudahy bond rating upgrade. Mayor McCue reported that the City of Cudahy's bond rating was upgraded by Standard and Poor's and remained the same based on Moody's rating.

Resolutions 6576 and 6577 were taken out of agenda order at this time.

NEW BUSINESS

3. Discussion and appropriate action regarding Community Development Authority Recommendation 2009-11-10-01 relating to the proposed Development Agreement between the City of Cudahy, the community Development Authority and Ademi and O'Reilly, LLP. City of Cudahy Economic Development Director Fritts presented the development agreement. She explained that the owners of the Majestic Theatre were looking for 1005 additional funding of their project, with a personal guarantee of a \$500,000 future assessed value. Discussion ensued. **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. PAVLIC** to approve proposed agreement. On the roll call vote, motion carried unanimously.
4. Discussion and appropriate action regarding Mayor's reappointment of Joan Houlehen to the Community Development Authority for a 4 year term expiring November, 2013. **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. PAVLIC** to approve reappointment. Motion carried unanimously.
5. Discussion and appropriate action regarding the Community Development Block Grant amendment to project funding allocations for 2010 and schedule of projects. DPW Director Lange presented a revised project plan and gave an explanation of projects that have not been completed and available funding. She explained that any balance remaining for service projects have to be expended prior to the end of the year. It can only be carried over the purpose of construction projects. Anything not used for ADA projects from 2007 and 2008 can be carried over and combined for projects in 2010. **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. OTTO** to approve CDBG recommendations and move forward to public hearing. On the roll call vote, Alderpersons Mikolajczak, Otto, Litkowiec and Pavlic voted "aye". Alderperson Schissel voted "no". Motion carried.

MAYOR – UPDATES

- State legislation regarding Environmental Tax Increment Financing.
- 5 year finance plan update
- Veterans Day Ceremony
- Public Hearing on 2010 budget scheduled for Monday, November 23, 2009 at 7:00 P.M.
- Public Hearing for 2020 Comprehensive Master Plan 6:15 PM Tuesday, December 15, 2009.

ALDERPERSON – UPDATES

Alderperson Schissel spoke regarding RFP for legal services and asked that the rescinding of the motion be placed on next Common Council agenda. She also spoke regarding the ADA compliant bathroom project bid progress.

DEPARTMENT MANAGERS

DPW Director Lange gave project updates on Mallory/Morris street reconstruction, the Northeast storm sewer project and the Kinnickinnic project.

RESOLUTIONS

1. Discussion and appropriate action regarding Resolution No. 6574 entitled "A Resolution Recognizing Dan Furdek as "Veteran of the Year". **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. PAVLIC** to approve Resolution No. 6574. Motion carried unanimously.
2. Discussion and appropriate action regarding Resolution No. 6575 entitled "A Resolution Authorizing the Submittal of a Round 1 State Grant Application for Former Kohl's Food Store Property by Lara Fritts, Director of Economic Development for the City of Cudahy and the Subsequent Appropriate of City of Cudahy In-King Services for a Brownfield Site Assessment Grant". **MOTION BY ALD. MIKOLAJCZAK, SECOND BY ALD. PAVLIC** to approve Resolution No. 6575. Motion carried unanimously.
3. Discussion and appropriate action regarding Resolution No. 6576 entitled "A Resolution Awarding the Sale of \$7,250,000 (Taxable) General Obligation Corporate Purpose Bonds, Series 2009A (Build America Bonds – Direct Payment)". Mike Harrigan of Ehlers and Associates reported on the sale of the bonds that took place on this date. Mr. Harrigan reviewed the credit analysis provided by Standard and Poors which raised Cudahy's rating from A+ to AA-. He reported the interest total savings generated as a result of the upgrade as \$50,000 or greater as a result of the issue. The best bid was led by Robert W. Baird, one of 10 underwriters participating. The interest cost is 4.8741%, but because they are Build America Bonds, the federal government will rebate 35% of the cost of the interest making the actual cost of this 20 year debt at 3.22%. He further reviewed the estimate of interest cost with the actual interest cost for a savings differential of \$448,000 in interest over the life of the loan because of the Build America Bonds with \$50,000 of that savings achieved because of the bond rating improvement. Mr. Harrigan noted that if the program were eliminated by the Federal Government, these bonds can be prepaid at any time. **MOTION BY ALD. OTTO, SECOND BY ALD. LITKOWIEC** to approve Resolution No. 6576. On the roll call vote, Alderpersons Mikolajczak, Schissel, Otto and Litkowiec voted "aye". Alderperson Pavlic voted "no". Motion carried
4. Discussion and appropriate action regarding Resolution No. 6577 entitled "A Resolution Awarding the Sale of \$3,950,000 Taxable General Obligation Bonds, Series 2009B". Mike Harrigan reviewed the bid results for the sale of the Tax Increment No. 1 property acquisition bonding. They will be paid for by tax increment dollars. These bonds were bid as taxable debt and are not eligible for the Build America Bond treatment. The best bid was submitted by the Baird syndicate with the interest cost of 4.67%. As compared to the estimated costs, this reflects a savings of \$124,000 in interest over the life of the loan. **MOTION BY ALD. OTTO, SECOND BY ALD. LITKOWIEC** to approve Resolution No. 6577. On the roll call vote, Alderpersons Mikolajczak, Otto, Litkowiec and Pavlic voted "aye". Alderperson Schissel voted "no". Motion carried.
5. Discussion and appropriate action regarding Resolution No. 6578 entitled "Authorization Resolution for Financial Assistance for the Purpose of Funding Urban Forestry Projects". Motion by Ald. Mikolajczak, second by Ald. Litkowiec to approve Resolution No. 6578. Motion carried unanimously.

LICENSES

1. Discussion and appropriate action regarding application of Roger R. Kirkpatrick, Agent for R-Zone LLC for Class "B" Beer and "Class B" Beer Liquor for the premises located at 3800 E. Layton Ave. **MOTION BY ALD. PAVLIC, SECOND BY ALD. OTTO** to approve. On the roll call vote, Alderpersons Otto, Litkowiec and Pavlic voted "aye". Alderpersons Schissel and Mikolajczak voted "no". Motion carried.

HEARING FROM CUDAHY RESIDENTS

- Cheryl Krafczyk of 4650 S. Swift spoke regarding the license at 3800 E. Layton Ave.
- Darryl Schmidt of 3763 E. Carpenter Avenue spoke regarding condemned house at 3677 E. Carpenter Ave.

ADJOURN

A MOTION TO ADJOURN WAS MADE BY ALD MIKOLAJCZAK, SECOND BY ALD. OTTO which was withdrawn. **MOTION BY ALD. PAVLIC, SECOND BY ALD. SCHISSEL** to adjourn at 8:25 P.M. Motion carried unanimously.

Passed and approved this 1st day of December, 2009.

Ryan McCue, Mayor

ATTEST:

Robert Goss, Clerk/Treasurer